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Attorney for Defendants

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON**

In re:

MARK E. DELONG,

Debtor,

In re:

MARK E DELONG

Plaintiff

v.

**BANK OF EASTERN OREGON, NIAL
BRADSHAW and JIM GARDNER**

Defendants

Case No. 17-34395-pcm11

Adv. Proc. No. 18-03020-pcm

**UNOPPOSED MOTION TO EXTEND
DEADLINE TO FILE NON-
DISCOVERY MOTIONS**

MOTION

Defendants Bank of Eastern Oregon, Nial Bradshaw, and Jim Gardner, hereby submit this unopposed motion for an order extending the deadline to file non-discovery motions from June 28, 2018 to September 21, 2018. This motion is supported by the Declaration of Gabriel M. Weaver. Plaintiff consents to the relief request in this motion.

This is Defendants' first request for an extension of the motions deadline. This motion is made in good faith and not for the purpose of delay. This motion was filed at the earliest time practical.

ARGUMENT

Plaintiff filed the complaint in this adversary proceeding on February 28, 2018. On April 2, 2018, Defendants filed their answer and affirmative defenses. On that same date, this Court filed its scheduling order setting the deadline to file non-discovery motions 120 days from the filing of the complaint. (Doc. #8). Pursuant to this Court's scheduling order, the current deadline to file non-discovery motions is June 28, 2018.

Unfortunately, counsel for Defendants is fully occupied in June 2018 with preparation for a week-long condemnation trial that will commence in the Circuit Court of Oregon for Washington County on June 26, 2018. Counsel was engaged late in that condemnation case and still has to complete significant pre-trial work. Because of the condemnation trial, as well as other challenges in completing necessary discovery prior to this Court current June 28, 2018 motions deadline, counsel is unable to meet this Court's current motions deadline.

The parties have conferred regarding discovery and motions, and expect to exchange initial document productions in early July 2018. The parties expect to conduct depositions shortly thereafter in July and August 2018. An extension of the motions deadline to September 21, 2018 will allow the parties to conduct significant discovery before the motions deadline, will allow for a more orderly resolution of Plaintiff's pending bankruptcy case, and will promote judicial economy by allowing the parties to potentially narrow the issues for trial.

No party will be prejudiced by this short extension as this case is in its earliest stages and the extension and the requested extension is not long in time. This Court will not be prejudiced

because trial is scheduled to commence on January 28, 2019, so this Court will have ample time to consider and resolve any pending non-discovery motions prior to trial.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that this Court grant this stipulated motion to extend the motions deadline to September 21, 2018.

DATED: June 6, 2018

Respectfully submitted,

By: s/Gabriel M. Weaver/
GABRIEL M. WEAVER, OSB 125970
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Attorneys for Defendants

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**BANK OF EASTERN OREGON, NIAL
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**DECLARATION OF GABRIEL
WEAVER IN SUPPORT OF
UNOPPOSED MOTION TO EXTEND
DEADLINE TO FILE NON-
DISCOVERY MOTIONS**

I, Gabriel M. Weaver, hereby declare and state as follows:

1. I am an attorney at Ball Janik LLP, and am counsel for defendants with respect to this matter. I am over the age of 18 years and am competent to testify to the matters stated herein. I make this declaration based upon personal knowledge.
2. I make this declaration in support of Defendants' Unopposed Motion to Extend the deadline to file non-discovery motions from June 28, 2018 until September 21, 2018.

3. Prior to filing the motion to extend the motions deadline, I conferred with counsel for Plaintiff. Plaintiff's counsel indicated that he consents to the relief requested in this motion.

4. This is Defendants' first request for an extension of the motions deadline.

5. Defendants' motion is filed in good faith, and not for purposes of delay.

6. Prior to filing this motion, I attempted to work out a discovery plan that would allow Defendants to conduct the necessary discovery to file dispositive motions by June 28, 2018. Unfortunately, I determined it is not possible for defendants to complete the required discovery prior to the deadline.

7. Upon determining that Defendants needed an extension of the motions deadline, I promptly conferred with Plaintiff's counsel and prepared to file this motion and supporting declaration.

8. The parties have conferred regarding discovery and are diligently working to exchange documents and to prepare for depositions. Unfortunately, the parties do not expect to complete document discovery until early July 2018. The parties expect to conduct depositions shortly thereafter, in July and August 2018.

9. One barrier to completing discovery earlier is that I am fully occupied in June 2018 with preparation for a week-long condemnation trial that will commence in the Circuit Court of Oregon for Washington County on June 26, 2018. I was engaged late in that condemnation case and I still need to complete significant pre-trial work.

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10. In addition, Plaintiff's counsel has indicated that he needs additional time to complete his review of documents responsive to Defendants' document requests. As a result, even without the pending Washington County condemnation trial, it would not be possible for the parties to complete the discovery necessary to file dispositive motions by the current June 28, 2018 deadline.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: June 6, 2018 in Portland, OR.

BALL JANIK LLP

By: /s/ Gabriel M. Weaver

Gabriel M. Weaver, OSB No. 125970